

ASSEMBLY BILL

No. 1931

Introduced by Assembly Member Silva

February 12, 2008

An act to amend Section 830.6 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1931, as introduced, Silva. Peace officers: reserve illegal dumping enforcement officers.

Existing law grants to certain persons who are deputized or appointed as reserve peace officers all the powers of a peace officer, as defined, under certain circumstances.

This bill would provide that reserve or auxiliary illegal dumping enforcement officers are public officers with arrest power, as specified, under certain circumstances. The bill would require reserve or auxiliary illegal dumping enforcement officers to successfully complete a certain training course for reserve peace officers and to take and subscribe a certain oath of office.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.6 of the Penal Code is amended to
- 2 read:
- 3 830.6. (a) (1) Whenever any qualified person is deputized or
- 4 appointed by the proper authority as a reserve or auxiliary sheriff
- 5 or city police officer, a reserve deputy sheriff, a reserve deputy

1 marshal, a reserve police officer of a regional park district or of a
2 transit district, a reserve park ranger, a reserve harbor or port police
3 officer of a county, city, or district as specified in Section 663.5
4 of the Harbors and Navigation Code, a reserve deputy of the
5 Department of Fish and Game, a reserve special agent of the
6 Department of Justice, a reserve officer of a community service
7 district which is authorized under subdivision (h) of Section 61600
8 of the Government Code to maintain a police department or other
9 police protection, a reserve officer of a school district police
10 department under Section 35021.5 of the Education Code, a reserve
11 officer of a community college police department under Section
12 72330 of the Education Code, a reserve officer of a police
13 protection district formed under Part 1 (commencing with Section
14 20000) of Division 14 of the Health and Safety Code, or a reserve
15 housing authority patrol officer employed by a housing authority
16 defined in subdivision (d) of Section 830.31, and is assigned
17 specific police functions by that authority, the person is a peace
18 officer, if the person qualifies as set forth in Section 832.6. The
19 authority of a person designated as a peace officer pursuant to this
20 paragraph extends only for the duration of the person's specific
21 assignment. A reserve park ranger or a transit, harbor, or port
22 district reserve officer may carry firearms only if authorized by,
23 and under those terms and conditions as are specified by, his or
24 her employing agency.

25 (2) Whenever any qualified person is deputized or appointed
26 by the proper authority as a reserve or auxiliary sheriff or city
27 police officer, a reserve deputy sheriff, a reserve deputy marshal,
28 a reserve park ranger, a reserve police officer of a regional park
29 district, transit district, community college district, or school
30 district, a reserve harbor or port police officer of a county, city, or
31 district as specified in Section 663.5 of the Harbors and Navigation
32 Code, a reserve officer of a community service district that is
33 authorized under subdivision (h) of Section 61600 of the
34 Government Code to maintain a police department or other police
35 protection, or a reserve officer of a police protection district formed
36 under Part 1 (commencing with Section 20000) of Division 14 of
37 the Health and Safety Code, and is so designated by local ordinance
38 or, if the local agency is not authorized to act by ordinance, by
39 resolution, either individually or by class, and is assigned to the
40 prevention and detection of crime and the general enforcement of

1 the laws of this state by that authority, the person is a peace officer,
2 if the person qualifies as set forth in paragraph (1) of subdivision
3 (a) of Section 832.6. The authority of a person designated as a
4 peace officer pursuant to this paragraph includes the full powers
5 and duties of a peace officer as provided by Section 830.1. A
6 transit, harbor, or port district reserve police officer, or a city or
7 county reserve peace officer who is not provided with the powers
8 and duties authorized by Section 830.1, has the powers and duties
9 authorized in Section 830.33, or in the case of a reserve park ranger,
10 the powers and duties that are authorized in Section 830.31, or in
11 the case of a reserve housing authority patrol officer, the powers
12 and duties that are authorized in subdivision (d) of Section 830.31,
13 and a school district reserve police officer or a community college
14 district reserve police officer has the powers and duties authorized
15 in Section 830.32.

16 *(3) Whenever any qualified person is deputized or appointed*
17 *by the proper authority as a reserve or auxiliary illegal dumping*
18 *enforcement officer and is so designated by local ordinance and*
19 *is assigned to the prevention and detection of illegal dumping and*
20 *the general enforcement of illegal dumping laws of this state by*
21 *that authority, the person is a public officer with the arrest power*
22 *specified in subdivision (j) of Section 830.7, if that person is not*
23 *disqualified pursuant to the criteria set forth in Section 1029 of*
24 *the Government Code. A reserve or auxiliary illegal dumping*
25 *enforcement officer shall successfully complete a Commission on*
26 *Peace Officers Standards and Training approved course for reserve*
27 *peace officers and take and subscribe the oath of office prescribed*
28 *for constables or other peace officers.*

29 (b) Whenever any person designated by a Native American tribe
30 recognized by the United States Secretary of the Interior is
31 deputized or appointed by the county sheriff as a reserve or
32 auxiliary sheriff or a reserve deputy sheriff, and is assigned to the
33 prevention and detection of crime and the general enforcement of
34 the laws of this state by the county sheriff, the person is a peace
35 officer, if the person qualifies as set forth in paragraph (1) of
36 subdivision (a) of Section 832.6. The authority of a peace officer
37 pursuant to this subdivision includes the full powers and duties of
38 a peace officer as provided by Section 830.1.

39 (c) Whenever any person is summoned to the aid of any
40 uniformed peace officer, the summoned person is vested with the

- 1 powers of a peace officer that are expressly delegated to him or
- 2 her by the summoning officer or that are otherwise reasonably
- 3 necessary to properly assist the officer.

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